

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SAUL SABINO,

Plaintiff,

20-CV-5861 (EK) (JRC)

**NOTICE OF MOTION**

-against-

JAMES OGLE, et al.,

Defendants.

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**PLEASE TAKE NOTICE** that defendant JAMES OGLE (“Defendant”), by their attorney, LETITIA JAMES, Attorney General of the State of New York, upon the annexed Memorandum of Law, will move this Court before the Honorable Eric R. Komitee, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, 11201, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b) (1) and (6) of the Federal Rules of Civil Procedure dismissing the Amended Complaint on the grounds that: (i) Plaintiff does not sufficiently allege the personal involvement of Defendant James Ogle; (ii) The Eleventh Amendment bars official capacity damages claims; (iii) Plaintiff’s allegations fail to state a claim; and (iv) Defendant Ogle is entitled to qualified immunity.

Dated: New York, New York  
August 10, 2022

Respectfully submitted,

LETITIA JAMES  
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State of New York  
Attorneys for Defendant  
By:

/s/ Andrew Blancato  
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